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JAN 09 2007

FCC - MAILROOM

602 Sixth St
Weatherly, PA 18255

Phone: (570) 427-8881
Fax: (570) 427-8918

Weatherly Area School District

Fax

RECEIVED & INSPECTED

JAN 09 2007

FCC - MAILROOM

To: Federal Communications Commission **From:** Martha Kew-Goodale
Office of the Secretary

Fax: 202-418-0187 **Pages:** 9

Phone: **Date:** 1/8/2007

Re: Appeal of USAC decision **CC:** [Click here and type name]

☐ Urgent ☒ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

Good afternoon:

Attached is a letter requesting an appeal of the USAC's Administrator's Decision on Appeal dated December 18, 2006 for Funding Year 2006-2007 for Weatherly Area School District's (Billing Entity Number - 125951) 471 Application Number 518996.

Per the appeal instructions, the following information is included for reference:

CC Docket No. 96-45

CC Docket No. 02-6

Company Name: Weatherly Area School District

BEN: 125951

Form Application Number 471 - 518996

Funding Request Number 1469539

Contact Name: Martha Kew-Goodale

Address: Weatherly Area School District

602 Sixth St

Weatherly, PA 18255

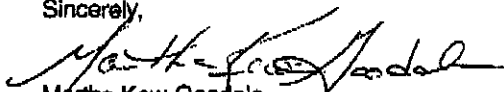
Phone Number 570-427-8681

Fax Number 570-427-8918

Email kewgoodalem@weatherlysd.org

Thank you for your consideration in this matter

Sincerely,



Martha Kew-Goodale
Business Manager/Board Secretary

No. of Copies rec'd 0
List ABCDE

Weatherly Area School District

Gene Freeman, Ed.D.

Superintendent

Deborah J. Popson

Elementary/Middle School Principal

Martha Kew-Goodale

Business Manager/Secretary, Bd. of Education

Brian D. Baddick

High School Principal

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

December 29, 2006

Re: CC Docket No. 02-6

Request for Review

Administrator's Decision on Appeal

Funding Year 2006: 07/01/06 - 06/30/07

Document Date: December 18, 2006

Billed Entity Number: 125951

Form 471 Application Number: 518996

Funding Request Number: 1469539

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JAN 09 2007

FCC - MAILROOM

To Whom It May Concern:

This letter is to appeal the Administrator's Decision on Appeal dated December 18, 2006 for Funding Year 2006-2007. This funding request was for Billing Entity # 125951, Weatherly Area School District. It was regarding Form 471 Application # 518996 and FRN 1469539.

The original request on the Form 471 was correctly listed as a telecommunication services for cellular service in our school district. The original Funding Commitment Decision was denied due to a clerical error. The SPIN that was inadvertently listed on the original 471 was for a cell phone provider (Digital Connection 143029831), instead of the correct service provider - the cellular service provider -- (Cingular Wireless 143025240). Weatherly Area School District did appeal the denial in a timely fashion with the SLD and received an Administrator's Decision on Appeal dated 12/18/06. The FRN was denied again stating that USAC was not able to "confirm a relationship between the original service provider and the new service provider." Included with the appeal to USAC was a copy of a Cingular bill for the period 09/14/06 - 10/13/06 to show that Weatherly Area School District is paying Cingular Wireless as our wireless provider, yet the SLD denied the appeal anyway.

There is no direct relationship between the original SPIN for Digital Connection and the new SPIN for Cingular Wireless. The cell phone equipment was provided by Digital Connection and the cellular service is provided by Cingular Wireless. This was the result of a clerical error that the wrong SPIN was listed on the original 471.

This type of clerical error is clearly an error that could have and should have been corrected under the Bishop Perry Order. Weatherly Area School District does not understand why the request to change to the correct SPIN was not honored. USAC should have granted the appeal and we are disappointed that USAC did not grant SPIN change and approve the FRN.

602 Sixth St Weatherly, PA 18255


Administrative Office: 570-427-8681
Administrative Fax: 570-427-8918

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This was clearly a clerical error in listing the wrong SPIN number in the original FRN and should not preclude the district from receiving E-Rate funding. The FRN denial, the letter of appeal to USAC, the Administrator's Decision on Appeal, and a copy of the first page of a Cingular Wireless invoice are all included for your review.

Please review this FRN and approve the funding request based on the revised SPIN number.
Thank you for your consideration.

Sincerely,


Gene Freeman, Ed.D
Superintendent


Martha Kew-Goodale
Business Manager/Board Secretary



Universal Service Administrative Company
Schools & Libraries Division

COPY

Administrator's Decision on Appeal – Funding Year 2006-2007

December 18, 2006

Gene Freeman
Weatherly Area School District
602 Sixth Street
Weatherly, PA 18255

Re: Applicant Name: WEATHERLY AREA SCHOOL DISTRICT
Billed Entity Number: 125951
Form 471 Application Number: 518996
Funding Request Number(s): 1469539
Your Correspondence Dated: October 25, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1469539
Decision on Appeal: Denied
Explanation:

- Upon thorough review of the appeal letter and the relevant documentation, USAC has determined that this request was properly denied during the Initial Review process. On the Form 471, the FRN was categorized under the telecommunications service category. The service provider listed for the FRN was deemed an ineligible telecommunications provider because the carrier did not provide telecommunications on a common carriage basis. An examination of the Item 21 Attachment confirms that the services requested are telecommunications services. On appeal, you are requesting a SPIN change. However, USAC has been unable to confirm a relationship between the original service provider (143029831 Digital Connection) and the new service provider (143025240 Cingular Wireless). It is the responsibility of the applicant to ensure that all requested telecommunications services are provided by an Eligible

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Telecommunications Provider (ETP). On appeal, you have failed to demonstrate that USAC erred in its original decision.

- An Eligible Telecommunications Provider (ETP), a USAC term used for "telecommunications carrier," is an entity that provides telecommunications services, i.e., transmission services on a common carriage" basis. To be a telecommunications carrier, the carrier must (1) allow the customer to transmit information of its own design and choosing, without change in the form or content of the information, and (2) provide that capability for a fee directly to the public, or to such classes of users as to be effectively available to the public (i.e., hold itself out to serve indifferently all potential users). USAC makes commitments for telecommunications services for applicants when the service provider is identified in USAC's database as an ETP; but, notwithstanding that identification, it is the service provider that is responsible for ensuring it meets these requirements in all instances of discounted telecommunications services. All telecommunications carriers are required under to file an FCC Form 499A. By filing a Form 499A and checking at least one of the boxes on line 227, USAC may designate a service provider as an eligible telecommunication provider in its database. Since your appeal has not brought forth persuasive information that USAC has erred in its determination, your appeal is denied.
- Your Form 471 indicates that you selected a service provider that has not been designated as an eligible telecommunication carrier in the USAC database: Digital Connection. FCC regulations provide that telecommunications carriers are eligible for universal service support. 47 C.F.R. sec. 54.501(a). The FCC has determined that to be eligible to receive universal service support for telecommunications services, the provider must provide telecommunications services on a common carrier basis. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 8850-8851, FCC 97-157 para. 134 (rel. May 8, 1997)

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Weatherly Area School District

Gene Freeman, Ed.D.

Superintendent

Deborah J. Popson

Elementary/Middle School Principal

Martha Kew-Goodale

Business Manager/Secretary, Bd. of Education

Brian D. Baddick

High School Principal

Letter of Appeal

Schools and Libraries Division – Correspondence Unit

100 S Jefferson Rd

PO Box 902

Whippany, NJ 07981

October 25, 2006

Re: Appeal of Funding Commitment Decision Letter

Funding Year 2006: 07/01/06 – 06/30/07

Document Date 09/19/06

Billed Entity Number: 125951

Form 471 Application Number: 518996

Funding Request Number: 1469539

To Whom It May Concern:

This letter is to appeal the Funding Commitment Decision Letter dated September 19, 2006 for Funding Year 2006. This funding request was for Billing Entity # 125951, Weatherly Area School District. It was regarding Form 471 Application # 518996 and FRN 1469539.

For your reference, the contact information is as follows:

Martha Kew-Goodale

Business Manager

Weatherly Area School District

602 Sixth St

Weatherly, PA 18255

Phone: 570-427-8681 ext. 2010

Fax: 570-427-8918

Email: kewgoodalem@weatherlysd.org

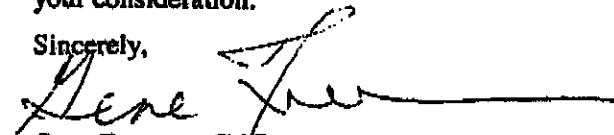
The request was for telecommunication services for cell phone service in our district for our school buses and administration. The funding request was denied due to the fact that there was an "Invalid Telecom Carrier". The Funding Commitment Decision Explanation stated "This FRN is a request for Telecommunications Service from a carrier that does not provide telecommunications on a common carriage basis."

The SPIN number that was submitted on this FRN was 143029831 for Digital Connection. This was the company that provided the cell phones and related equipment. This was in error. The funding request was for the telecommunications service.

The telecommunications carrier for the cell phone service is Cingular Wireless. The correct SPIN number should be 143025240.

Please review this FRN and approve the funding request based on the correct SPIN number. This is an allowable correction under the Bishop Perry decision because it was a clerical error. Thank you for your consideration.

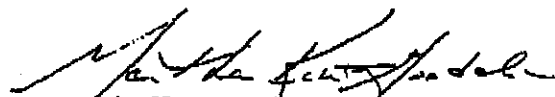
Sincerely,



Gene Freeman, Ed.D.

Superintendent

602 Sixth St Weatherly, PA 18255



Martha Kew-Goodale

Business Manager/Board Secretary

Administrative Office: 570-427-8681

Administrative Fax: 570-427-8918

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FUNDING COMMITMENT REPORT
Billed Entity Name: WEATHERLY AREA SCHOOL DISTRICT
BEN: 125951
Funding Year: 2006

Form 471 Application Number: 518996
Funding Request Number: 1469539
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 350880000568151
SPIN: 143029831
Service Provider Name: Digital Connection
Contract Number: MTM
Billing Account Number: N/A
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$5,757.60
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$0.00
Pre-discount Amount: \$5,757.60
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Invalid Telecom Carrier
Funding Commitment Decision Explanation: This FRN is a request for Telecommunications Service from a carrier that does not provide telecommunications on a common carriage basis.

FCDL Date: 09/19/2006

Wave Number: 022

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

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cingular
raising the bar

Page:
Billing Cycle Date:
Account Number:
Invoice Number:

1 of 108
09/14/06 - 10/13/06
34561926-001-40
4000134561926X061014



How To Contact Us:

- 1-800-331-0500 or 611 from your wireless phone
- For Deaf / Hard of Hearing Customers (TTY/TDD)
- 1-866-241-6567

Wireless Numbers with Rollover

570-582-3750
570-582-3752
570-582-3780
570-582-3781
570-582-3782

*Not all wireless numbers are listed

Previous Balance	864.14
Payments Posted	0.00
PAST DUE BALANCE	864.14
Payable Immediately	
Monthly Service Charges	734.80
Usage Charges	19.61
Credits/Adjustments/Other Charges	91.64
Government Fees and Taxes	25.00
TOTAL CURRENT CHARGES	870.85
Due Nov 05, 2006	
Late fees assessed after Nov 05	
Total Amount Due \$1734.99	

Simplify With Free Cingular *Services

Want to know how many minutes you've used, what your account balance is or make a payment fast? It's free and it's easy using Cingular *Services. For Balance information dial *BAL# (*225# send). For minutes used dial *MIN# (*646# send) and a text message will be sent to you. To make a payment dial *PAY (*729 send) for quick and easy bill payment.

P. O. #
APPROVED BY:
DATE PD:
VENDOR #
CHECK #
DATE PD:

Return the portion below with payment
to Cingular Wireless only.

13901 E. SKELLY DR. (PHILA)
TULSA, OK 74116

#BWINRPHBD
#345619264000120

WEATHERLY AREA SCHOOL D
602 6TH ST
WEATHERLY, PA 18255-1520

Account Number: 34561926-001-40
Total Amount Due: \$1734.99
Amount Paid:
\$ 870.85

* Please do not send correspondence with payment.

Please Make Check Payable To:

Cingular Wireless
P.O. Box 17542
Baltimore, MD 21297-1542



40034561926100102006101300000173499307.

(Invoice copy sent w/ appeal to USAC)

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Page:
Billing Cycle Date:
Account Number:
Invoice Number:

1 of 114
11/14/06 - 12/13/06
34561926-001-40
4000134561926X061214



How To Contact Us:

- 1-800-331-0500 or 611 from your wireless phone
- For Deaf/Hard of Hearing Customers (TTY/TDD)
1-866-241-6567

Wireless Numbers with Rollover

570-582-3750
570-582-3752
570-582-3780
570-582-3781
570-582-3782

*Not all wireless numbers are listed

Previous Balance	872.81
Payments Posted	-872.81
BALANCE	0.00
Monthly Service Charges	739.60
Usage Charges	10.91
Credits/Adjustments/Other Charges	88.58
Government Fees and Taxes	25.00
TOTAL CURRENT CHARGES	864.09
Due Jan 05, 2007	
Late fees assessed after Jan 05	
Total Amount Due \$864.09	

Invoice No	Date	Amount	PO No	Budgetary Account	Description
X061214	12/13/2006	90.73		10-2620-530-000-10-200-000-000-0000	COMMUNICATION
X061214	12/13/2006	220.34		10-2620-530-000-20-500-000-000-0000	COMMUNICATION
X061214	12/13/2006	120.97		10-2620-530-000-30-800-000-000-0000	COMMUNICATION
X061214	12/13/2006	362.92		10-2720-530-000-00-000-000-000-0000	COMMUNICATION
X061214	12/13/2006	69.13		10-2750-530-000-00-000-000-000-0000	COMMUNICATION
Check Total:		864.09			

Text & Instant Message Pay Per Use Rate Change

Effective 1/21/07, Cingular will charge \$0.15 for text and instant messages received on a pay-per-use basis. If you already subscribe to a Messaging Package or Media Bundle, there is no change to your rate. By purchasing a Messaging Package or Media Bundle, you can send and receive messages for as little as a penny. Sign up & save at www.cingular.com/getmessaging or Dial *NOW from your wireless phone.

(current invoice copy)

Return the portion below with payment
to Cingular Wireless only.

570-582-3786	15	0	9.99	0.00	2.16	1.00	0.00	13.15
EVANCKO BUS 15 (See Page 45 for Detailed Charges)								
570-582-3787	324	11	9.99	3.69	2.46	1.00	0.00	17.14
SPARK (See Page 47 for Detailed Charges)								
570-582-3788	344	2	99.98	2.14	9.62	1.00	0.00	112.74
ISS/MS PRINCIPAL (See Page 53 for Detailed Charges)								
570-582-3789	500	0	9.99	0.00	2.16	1.00	0.00	13.15
IIS PRINCIPAL (See Page 59 for Detailed Charges)								
570-582-3884	230	5	99.98	0.05	9.45	1.00	0.00	110.48
ASSISTANT PRINCIPAL (See Page 66 for Detailed Charges)								
570-582-3885	10	0	9.99	0.00	2.16	1.00	0.00	13.15
VOICEL. MAIN (See Page 72 for Detailed Charges)								
570-582-3886	142	0	99.98	0.00	9.45	1.00	0.00	110.43
CUSTODIAN (See Page 74 for Detailed Charges)								
570-582-3887	3	0	9.99	0.00	2.16	1.00	0.00	13.15
SCHOOL. VAN 1 (See Page 79 for Detailed Charges)								
570-582-3889	7	0	9.99	0.00	2.16	1.00	0.00	13.15
SCHOOL. VAN 2 (See Page 81 for Detailed Charges)								
570-582-3890	64	0	9.99	0.00	2.16	1.00	0.00	13.15

98.